

# SUPREME COURT AFFIRMS SOME VIRGINIA DECISIONS

**Upholds Judgment of \$25,000 in Favor of A. P. Carnahan, Fireman, Against C. & O.**

**RENN GETS \$3,500 FROM S. A. L.**

**Estate of R. T. Baughman Not Allowed to Recover for His Death—Acts on Appeal From Chattanooga in Coca Cola Case.**

## Supreme Court Takes Recess Until June 5

WASHINGTON, May 22.—The Supreme Court today took a recess until June 5, announcing that the last decision day until next fall will be on June 12, unless the business of the court at that time makes advisable a later day.

WASHINGTON, D. C., May 22.—In affirming a judgment of \$25,000 given by the Virginia courts against the Chesapeake and Ohio Railway in favor of Asa P. Carnahan, fireman of the road, who lost a leg in a collision at Doswell, Va., in 1913, the Supreme Court held today that juries of less than twelve men required by common law may return verdicts in Federal as well as State cases. The railroad had appealed from the original finding in the Carnahan case on the ground that the Virginia law, which allowed a jury of not more than seven men to pass on the evidence, was not valid.

In a similar finding in a case originating in Minnesota, the Supreme Court upheld the law of that State, which provides five-sixths of a jury may return a verdict after the jury has been out twelve hours and failed to reach a unanimous agreement.

**RENN TO GET \$3,500 FROM SEABOARD AIR LINE**

For injuries received by slipping on the ice around a water tank at Cochran, Va., J. T. Renn, pump repairer of the Seaboard Air Line, will receive \$3,500 from the railroad. The Supreme Court today affirmed judgment of the North Carolina courts for that amount.

**SETS ASIDE JUDGMENT AGAINST THE SOUTHERN**

Finding no negligence on the part of the Southern Railway by reason of one of its trains running over and killing Kenneth L. Gray, a brakeman, on a run from Spencer, N. C., to Washington, D. C., the Supreme Court today set aside a \$7,500 judgment rendered in the North Carolina State courts in favor of his estate.

The train on which Gray was working stalled, and Gray, instead of getting out of the car, walked back three-quarters of a mile, set his lantern on the track, lay down with his head on a cross tie of the track and went to sleep. A passenger train did not see his lantern in time to stop before killing him.

**ESTATE OF BAUGHMAN CANNOT RECOVER**

The decision of the Virginia State courts refusing to allow the estate of Richard T. Baughman, who while at work as a brakeman for the New York, Philadelphia and Norfolk Railroad, at Port Norfolk, Va., to recover damages for his death, was affirmed today by the Supreme Court. Baughman was crushed to death by the car which he was climbing up, side-swiping another on an adjoining track. The case involved a question as to the necessity for the railroad warning Baughman of such a danger. Baughman having worked as a brakeman only one day.

**JACOBS NOT ALLOWED TO RECOVER FOR INJURIES**

Judgment in the Virginia courts refusing to allow Ralph B. Jacobs, fireman for the Southern Railway, to recover from that company for personal injuries occurring at Lawrenceville, Va., in 1911, was affirmed today by the Supreme Court. Jacobs fell over a pile of cinders near the roadbed, and sought to show the road was guilty of negligence in leaving the cinders where they fell from locomotives.

**REVERSES DECISION IN COCA COLA CASE**

The Supreme Court today held that a jury must determine whether caffeine contained in Coca Cola is injurious to health, and whether there is any coca or cola in the product. In so ruling, the court reversed the decision of the Federal District court, at Chattanooga, which refused to confiscate, on petition of the government, forty barrels of Coca Cola, shipped from Atlanta to Chattanooga, as violating the pure food law.

Justice Hughes, who delivered the opinion for the unanimous court, held that the court had erred in deciding that no poisonous article could be "added" to a proprietary food brought together by man within the meaning of the pure food law, which declared to be adulterated any product with "added poisonous or injurious ingredient." The justice said that from the language of the statute it was evident that "added" meant "artificially."

"It is evident," said Justice Hughes, "that Congress did not intend to give immunity from the law to proprietary foods to contain poisons merely by reason of the choice of some formula or name."

Judge Sanford, the trial judge, decided that if caffeine had been put into the product, the case did not fall within the law and did not submit the evidence to the jury.

The case is remanded back to the District Court for trial. It was first heard at Chattanooga from March 13 to April 6, 1915. A shipment of white cola from Atlanta to Chattanooga had been seized by agents of the Bureau of Chemistry, Department of Agriculture, under the pure food law, on the ground that the caffeine was an "added ingredient."

The government appealed from District Court's ruling, but the decision was affirmed by the Federal Circuit Court at Cincinnati, in 1913. Appeal from that decision was taken to the Supreme Court.

**MANY THOUSANDS APPLY FOR SEATS AT ST. LOUIS**

One of Problems to Be Considered by Subcommittee of the National Committee on the St. Louis Convention.

WASHINGTON, May 22.—More than 25,000 applications have been received for the 10,000 or 11,000 seats which will be available in the St. Louis convention hall for the Democratic convention. This will be one of the problems to be considered by the National committee's subcommittee, headed by Chairman McCombs, which meets in St. Louis on June 2.

The arrangements committee will re-

lect the temporary and permanent chairman of the convention. Former Governor Glynn, of New York, already is slated for the temporary chairmanship. It is understood that Speaker Clark will be asked to become permanent chairman, in spite of the present plan of keeping Congress continuously in session throughout the convention, and that until the Speaker has indicated whether he will serve, no one else will be considered.

The temporary roll of the convention has not yet been completed. Up to today 920 of the 1,092 delegates had been chosen, every one pledged to vote for President Wilson's re-nomination. Not since 1900 has a Democratic National Convention met with such complete harmony of action promised.

So far only fourteen seats are contested, six each from Hawaii and Porto Rico and two from the First District of New York. The national committee will meet June 12 at St. Louis to consider contests.

**EXPECT UNUSUAL AMOUNT OF NOISE AND ENTHUSIASM**

CHICAGO, May 22.—Indications are that the Republican National Convention of 1916 will be one of the noisiest and most exciting in the history of the party.

With sixteen candidates for President in the field, and with the result in the end likely to be an unusual amount of noise and enthusiasm. Fred W. Upham, chairman of the local committee on arrangements, was informed today that plans have been made to bring to the city 100,000 delegates, fifty glee and marching clubs to Chicago during convention week. The demand for convention tickets costumed to bring to the city 100,000 delegates, fifty glee and marching clubs to Chicago during convention week. The demand for convention tickets costumed to bring to the city 100,000 delegates, fifty glee and marching clubs to Chicago during convention week.

**PROMINENT PROGRESSIVES TO ATTEND CONVENTION**

CHICAGO, May 22.—Hundreds of the most prominent Progressives in the country will attend the national convention of the party, in Chicago, beginning June 2, according to Secretary Oscar King Davis.

Among those who have written to Secretary Davis that they will attend the gathering are:

T. H. Wadsworth and W. Boyd Evans, of South Carolina. Oscar S. Straus, E. H. Hooker, William Gamlin Childs, George W. Perkins, Bainbridge Colby and Walter A. Johnson, of New York. Gifford Pinchot, A. Van Valkenburg, William Flinn, of Pennsylvania. Governor Hiram W. Johnson, Chester A. Rowell and Meyer Lissner, of California. Herberg Knox Smith and Joseph W. Alsop, of Connecticut. Albert H. Holt, Dyer, of Indiana. Charles J. Bonaparte and N. Winslow Williams, of Maryland. Mathew Hale and Leon E. Baldwin, of Massachusetts. James R. Garfield and A. L. Garford, of Ohio.

**James J. Hill Ill.**

ST. PAUL, MINN., May 22.—The illness of James J. Hill, railroad builder and capitalist, is causing concern to his friends and business associates. Mr. Hill has not been at his office since last Wednesday.

**DEATHS IN VIRGINIA**

**Funeral of Samuel T. Westcott.**

The funeral of Samuel T. Westcott, of 904 Murray Street, who died on Saturday afternoon as a result of injuries sustained in an elevator accident at the Dunlop Mills, was conducted from the Decatur Street Methodist Church yesterday afternoon by Rev. G. F. Greene, the pastor. Interment was made in May Cemetery. Mr. Westcott, who is survived by a wife and three children, was widely known in fraternal circles.

**C. L. Proctor.**

[Special to The Times-Dispatch.] LURAY, VA., May 22.—C. L. Proctor, aged about seventy-seven years, died at his home in Luray last night after a long illness. He was born in Shenandoah County and for fifty years had been one of the leading contractors in the Valley of Virginia.

**Bruce Wright.**

[Special to The Times-Dispatch.] RALEIGH, N. C., May 22.—Bruce Wright died at his home in this city today after an illness of several weeks. He was sixty years old and was largely interested in cotton milling, especially at Haw River, Alamance County. He married Miss Ella Holt, a daughter of Governor Holt, and they had made Raleigh their home for several years. He and a daughter, Miss Louise, survive. Mr. Wright was a native of Wilmington. The funeral will be held here on Tuesday.

**Mrs. Mary Chambers.**

[Special to The Times-Dispatch.] PETERSBURG, VA., May 22.—Mrs. Mary B. Chambers, wife of T. J. Chambers, died last evening at her home on the Woodpecker Road, Chesterfield County, after an illness of several months. She was in her fifty-fifth year and is survived by one son and two daughters, George W., and Misses Violet Willis and Margaret Chambers, of Chesterfield County.

**Frank W. McKinney.**

[Special to The Times-Dispatch.] APPOMATTOX, VA., May 22.—Frank W. McKinney, aged sixty-one years, died at his home near Appomattox, Va., last Sunday after a long illness. He leaves his wife and little daughter, Frankie. His brothers are H. W. McKinney, J. W. and J. L. McKinney, and Mrs. C. A. Moore. His sisters are Mrs. Kate Wright, Miss Fannie McKinney and Mrs. C. A. Moore. Mr. McKinney was widely known throughout this county. Funeral services will take place from his home to-morrow.

**Miss Claire Williams Graves.**

[Special to The Times-Dispatch.] FREDERICKSBURG, VA., May 22.—Miss Claire Williams Graves, daughter of Lee J. Graves, died at her home here last night after a lingering illness, aged seventeen years. Besides her father and stepmother, she is survived by three brothers and one sister. The body will be taken to Orange County today and interment will be made in the family burying ground near Monrovia.

**James Harsh.**

WYTHEVILLE, VA., May 22.—James Harsh, a resident of Wytheville, died at his residence on Main Street today, aged fifty-two years. Mr. Harsh was reared near Wytheville, and married Miss Bettie Ewald, a daughter of the late Charles Ewald, Sr., for many years a prominent business man of the town. Several years ago Mr. Harsh moved to Roanoke and engaged in business until ill health forced his retirement, when he returned to Wytheville. He is survived by his wife and one son. Burial will be from St. Mary's Catholic Church on Wednesday morning.

# CAUSES OF IRISH REVOLT DESCRIBED BY TIM HEALY

**Cauldron of Uneasiness, After Official Neglect, Disparagement and Contempt.**

**SUITED TO GERMAN DESIGNS**

**Unselfish and Self-Reliant Men Joined Sinn Fein Movement for Purpose of Purifying and Uplifting of Political Ideas.**

[Special to The Times-Dispatch.]

LONDON, May 22.—Tim Healey, M. P., in an article in the Sunday Times, headed "The Causes of the Irish Revolt and the Way to Peace," says:

"At the opening of the world war, Ireland dangled herself completely with England. She seemed almost to have lost her identity in the Imperial crucible. Then came the boycotting of the deeds of the Irish regiment from Mons to allopSHED, theseSmTAON Mons to Gallipoli, the indecision of the War Office in the handling of the Irish volunteer question, and worse and still more tragic, the folly of the Treasury in seizing the moment when it added 12,000,000,000 to the Irish taxes to cut down the grants for the housing of laborers and artisans for which huge loans were being made in England.

"This especially exasperated the Dublin population. The slums had just been largely cleared by the corporation, but the treasury withheld advances to erect a building on the cleared areas. At the same time, the intellectual movement, the attempt to deprive the Royal Academy of Music of a paltry £300 a year, and further promise of improvement in the national teachers position.

"From one end of the country to the other the nation felt sore at the official neglect, disparagement and contempt, while Irish blood flowed like water in the empire's quarrel.

"The country was therefore left in a cauldron of uneasiness, with armed men on either side to enforce or resist home rule when the war should come to an end.

**SITUATION IS SUITED TO GERMAN DESIGNS**

"This situation was admirably suited to the German designs, and from the Irish-American pro-Ally sentiment, German agents and German money were set at work, and, as Birrell confessed, the government placed confidence in the influence of John Redmond's party to cope with the hostile hybrid agencies.

"This influence had been undermined. The jobbery of the official party had disgusted all earnest and unselfish minds among the youth of Ireland, and the acceptance by the Irish party of salaries of £400 pounds per year, after their formal resolution declaring they would not take the money, and that the government should devote it to some useful Irish purpose, sank deeply into the hearts of the extremists who were prepared to make such sacrifices themselves.

"The disposition of the insurance act, the killing of the land purchase by Dillon, the founding of a secret political and religious society called the Ancient Order of Hibernians to direct the patronage of the castle to its own profit, sapped the foundations of belief among the disinterested youth of the country.

"Soon all who were sober, unselfish, self-respecting and self-reliant in town and country, quitted the ranks and joined the Sinn Fein movement. In doing so they originally had no more thought of rebellion and pro-Germanism than Redmond himself. They believed they were engaged in the purification and uplifting of political ideals.

"When the war came, the censor deprived the English public of the knowledge that new strikes had been foisted in the Dublin shipping trade. Contrary to the law and without the board of trade on the Irish government taking the smallest notice of the shippers, shipping was held up, and Dublin once more was allowed to fry its own fat.

**RESULTS OF OUTBREAK KNOWN TO THE WORLD**

"The result is known to the world. Our metropolis is a charnal house, our noblest buildings are in ashes, our prisons are festering, our deportations have surcharged the capacity of the English jails. General Friend, an experienced soldier, who knew Ireland, was put under an Egyptian General, who bombarded the city for forty-eight hours after the proclamation commanding the inhabitants to stay within doors and sentries barred the escape of fugitives, from the burning streets. "I blame nothing on Sir John Maxwell except his ignorance.

"In my view Augustine Birrell and Sir Mahew Nathan should be impeached or tried.

"I entirely approve of the refusal of troops on the part of Lord Kitchener and General Sir John French. These great soldiers showed wisdom, for any one should be able to manage Ireland with 120,000 armed police.

"We find Birrell whining for soldiers. Dublin Castle had ten to one in fighting elements against the Sinn Feiners when the outbreak occurred. While the bravery of the rebels was brilliant, no hastily organized insurgency can long prevail against the

lasting power of the disciplined state forces of the corporation.

"A stopcock, if called in, could have ended the revolt by cutting off the water supply in selected areas, and could thereby have saved £5,000,000 worth of property and many lives.

"The courage of the Sinn Feiners atoned for much of their folly, in the minds of those who realized that their spirit was not pro-German, but in the main the revolt was against the conversion of Dublin Castle into a Redmondite Tammany Hall.

"Unless some political slave can be applied to her newly-opened wounds, Ireland will be confronted and officers perplexed and obsessed by the sepsis which brood over a national vendetta.

**IS SHOT THROUGH HEAD WHEN "GANGS" BATTLE**

(Continued from First Page.)

Hooker at once set out after him, and had no difficulty in following him. At Jefferson and Cary Streets he saw Underwood dive through the doorway of a garage, and found him hiding there when he arrived. Hooker learned from the boy where he had tossed his weapon, and went back to him to recover it. It is a five-shot, .32-caliber revolver, and was found to contain four loaded chambers and one empty shell.

From E. C. Reid, of 311 East Marshall Street, Hooker secured a statement which probably will have an important bearing in the case. Reid is said to have informed the officer that he saw Underwood fire, and that he saw Kaufman fall immediately afterward. Reid says that Underwood was about ten feet distant from Kaufman when he fired.

The officer has not been able to learn definitely as yet who fired the other shots, but each of them is said to have been fired by other members of the "Oregon Hill gang."

**CUMBERLAND ASSEMBLY WILL ADJOURN TONIGHT**

BIRMINGHAM, ALA., May 22.—Only one session of the General Assembly of the Cumberland Presbyterian Church was held here today, that being given over to committee reports, and it is expected that the assembly will conclude its business in time to adjourn to-morrow night.

An increase in the endowment fund of the theological seminary of the church, from \$75,000 to \$100,000, during the coming year was contained in the report of the seminary committee, which was adopted. The next step, it was announced, will be to find a permanent location for the seminary, which is being conducted temporarily at McKenzie, Tenn.

Another report, which attracted much attention, was that of the committee on revival work. Many changes were made in this report as finally accepted, notably all reference to other religious denominations and their methods of evangelical work being eliminated. As finally adopted, the report indorses the revival spirit and the taking of advanced steps in this branch of church activities. It discourages the idea of members as a criterion of success in revival work, and points out that instead of putting the emphasis on "getting professions," it should be put on "getting possessions."

Memorial services for the sixteen ministers of the Cumberland denomination who have died during the last year will be held to-morrow morning. Twelve synods and seventy-two presbyteries are represented at the assembly.

**Train Held Up and Robbed.**

SHREVEPORT, LA., May 22.—A Texas and Pacific westbound passenger train was held up to-night and the mail and express car robbed between Grand Cane and Keithville, it is reported by postal authorities.

**Ordered to Mexico.**

BOSTON, May 22.—The battleship Nebraska left the navy-yard here today under orders to proceed to Mexico. She will take on a complement of apprentice seamen at Newport, R. I., en route.

**HIGH ASPIRATIONS.**

Mr. Primm—Why, Miss Jones, your conversation is positively shocking. Miss Jones—Yes? I love to shock people; it's so difficult a task nowadays.

**NUXATED IRON**

Increases strength of delicate, nervous, run-down people 200 per cent in ten days in many instances. \$100 forfeit if it fails as per full explanation in large bottle soon to appear in this paper. Ask your doctor or druggist about it. Tragle Drug Co. always carry it in stock.

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# TO WORK FOR NOMINATION OF COLONEL AT CHICAGO

**Roosevelt Republican Committee, With Membership in Thirty States, Organized.**

**DELEGATION AT OYSTER BAY**

**George von L. Meyer Acts as Spokesman and Pledges Support—Former President Welcomes Efforts Primarily for Principles.**

OYSTER BAY, N. Y., May 22.—George von L. Meyer, former Secretary of the Navy, at the head of a delegation of twenty-five men, to-day officially notified Colonel Roosevelt that the Roosevelt Republican Committee, with membership in thirty States, had been organized to work for his nomination for the presidency by the Republican party.

Mr. Meyer told Mr. Roosevelt that one of the purposes of the committee was to aid the Republican party in going before the country, reunited and in full strength, with a candidate who is listened to and trusted by the great mass of the people.

Colonel Roosevelt, in his reply, said: "You are for me because you regard me as representing and embodying the aggressive movement for thoroughgoing Americanism and thoroughgoing preparedness. Your devotion is to the cause and to the man only in so far as he for the time being embodies the cause. This is precisely the attitude I took in my Trinidad statement. I now hold, and shall continue to hold, this a great time of crisis in our country's history, because it is a great crisis in the history of the world. If we are unprepared, if we are split, and sundered by rivalries of creed, of section and national origin, if our country's action is to be conditioned by helplessness without and the hypochondria within, the career of the United States as a great factor in the world is at an end.

**MUST APPLY ABSTRACT TO CONCRETE FACTS**

"There is no use of being for half measures of Americanism and preparedness. Still less is it of any use for any public man to announce himself in vague general terms as in favor of Americanism and preparedness unless his whole course of action in public life has made it evident, and now makes it evident, that he means just exactly what he says; unless, if he is in office or has been in office, his career has been such as in fullest measure to warrant the belief that he is a man of deeds, and not of words, in this matter, and unless in every crisis, whether he be in or out of office, he frankly and fully takes a position on the concrete facts which are up for decision and applies the abstract statement directly to these concrete facts.

"General professions are utterly worthless, unless, in the first place, the man making them is ready to immediately apply them to every concrete case as it actually arises, and unless, in the second place, when he has the opportunity, he at once turns his words into deeds.

"I am fighting for these principles. They are the principles you are organizing to support, and with all my heart I welcome such support, accepting it as given primarily to the principles and only secondarily for myself.

"Any man at this time of crisis who is not aggressively, openly and specifically for these principles is against them, and every patriotic man should treat our public servants on this basis."

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# BRANDEIS AND RUBLEE EXPECTED TO WIN OUT

**Change in Sentiment Indicated in Senate Toward Both of These Nominees.**

[Special to The Times-Dispatch.]

WASHINGTON, May 22.—When the Judiciary Committee of the Senate meets on Wednesday to vote on the nomination of Louis D. Brandeis to the Supreme Court, a favorable report probably will be ordered. Senator Shields is the only Democrat standing out, and it was reported to-night that he will not return to Washington before the committee acts. The vote, therefore, is expected to be 2 to 8 in favor of the confirmation of Mr. Brandeis.

Chairman Culberson to-day made public the text of a letter from Charles W. Eliot, president-emeritus of Harvard University, indorsing the nomination of Mr. Brandeis, and declaring his belief that his rejection by the Senate "would be a grave mistake for the whole legal profession, the court, all American business and the country."

A change of sentiment is indicated in the Senate toward both Mr. Brandeis and George Rublee, nominated by a member of the Federal Trade Commission, and recently rejected by the Senate. A motion to reconsider the vote by which Rublee was rejected is pending.

Chairman Joseph E. Davies and Commissioners Edward N. Hurley and William J. Harris, of the Trade Commission, had a conference to-night with Secretary Taft at the White House. After the conference Mr. Davies said he felt certain Mr. Rublee's nomination would be confirmed. It is understood administration officials have made a careful canvass of the situation, and

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